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9 *2007-AR7 Mortgage Pass-Through Certificates 2007-AR7*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 LN MANAGEMENT, LLC SERIES 5664  
13 DIVOT,

14 Plaintiff,

15 vs.

16 KIT DANSKER and JPMORGAN  
CHASE BANK, NA

17 Defendants,  
18

Case No. 2:13-cv-01420-RCJ-GWF

**STIPULATION AND ORDER TO  
MODIFY COURT'S NOVEMBER 19,  
2013 ORDER [Doc. 18]**

19  
20 Plaintiff LN Management LLC Series 5664 Divot and Defendant JPMorgan  
21 Chase Bank, National Association ("Chase" and together with Plaintiff, the  
22 "Parties") stipulate as follows:

23 1. This is a quiet title action involving property at 5664 Divot Place, Las  
24 Vegas, Nevada 89130 (the "Property").

25 2. The Los Prados Community Association purportedly foreclosed against  
26 the Property on March 15, 2013 pursuant to a lien for delinquent assessments.

27 3. As the highest bidder at the sale, Plaintiff claims it acquired title to  
28 the Property free and clear of Chase's first deed of trust.

1           4.     Plaintiff initiated this quiet title action against Chase and borrower  
2 Kit Dansker in the Eighth Judicial District Court of Nevada on May 31, 2013.  
3 Chase removed the case to this Court on the basis of diversity jurisdiction on  
4 August 8, 2013. [Doc. 1].<sup>1</sup>

5           5.     Plaintiff moved to remand the case to state court on September 5,  
6 2013. [Doc. 9].

7           6.     Chase moved to dismiss Plaintiff's complaint and to expunge Plaintiff's  
8 notice of lis pendens against the Property on September 13, 2013. [Doc. 13]. Chase  
9 argued that, under Nevada law, the foreclosure of an HOA lien never extinguishes a  
10 first deed of trust because an HOA lien is junior in priority to a first deed of trust.

11          7.     In an order filed November 19, 2013 [Doc. 18], this Court denied  
12 Plaintiff's motion to remand and granted Chase's motion to dismiss and to expunge  
13 the notice of lis pendens. The Court held that, as a matter of lien priority, a Nevada  
14 HOA foreclosure never extinguishes a first deed of trust.

15          8.     The Court entered a final judgment on November 20, 2013. [Doc. 19].

16          9.     Plaintiff filed a notice of appeal on December 17, 2013. [Doc. 20].

17          10.    On September 18, 2014, the Nevada Supreme Court issued its opinion  
18 in SFR Investments Pool 1, LLC v. U.S. Bank, N.A., 130 Nev. Adv. Op. 75, 334 P.3d  
19 408.

20          11.    SFR Investments holds that the proper foreclosure of an HOA lien  
21 entitled to a "super-priority" under NRS 116.3116(2) may extinguish a first deed of  
22 trust.

23          12.    On February 24, 2015, the Parties moved to dismiss the appeal  
24 without prejudice to reinstatement. [App. Doc. 21].

25          13.    On February 25, 2015, the Ninth Circuit Court of Appeals entered an  
26 order dismissing the appeal without prejudice to reinstatement. [App. Doc. 22].  
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28               <sup>1</sup> "Doc." references to district court filings and "App. Doc." references to appellate court  
filings.

1           14. The Parties herein agree that the Court's November 19, 2013 order  
2 should be modified to deny Chase's motion to dismiss and Chase's motion to expunge  
3 the notice of lis pendens.

4           15. The parties further agree to set aside the final judgment entered on  
5 November 20, 2013.

6           16. Chase reserves the right to raise any defenses to Plaintiff's claims that  
7 are not controlled by the Nevada Supreme Court's SFR Investments decision.

8           17. Chase will file its answer to Plaintiff's complaint within 21 days of  
9 service of an order granting this stipulation, and the Parties will proceed in the  
10 ordinary course of litigation.

11 Dated: March , 2015

Dated: March , 2015

12 LAW OFFICES OF KERRY FAUGHNAN

BALLARD SPAHR LLP

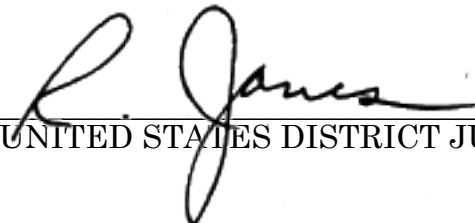
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20 **ORDER**

21 IT IS SO ORDERED.

22 Dated this 27th day of March, 2015.

23  
24   
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28